

Appln No. 09/700,572  
Amdt date Octob r 15, 2003  
Reply to Office action of July 15, 2003

**REMARKS/ARGUMENTS**

The above identified patent application has been amended and reconsideration and reexamination are hereby requested.

The Examiner rejected claims 1 - 10 and 12 - 14. The Examiner objected to claim 11 but stated that claim 11 would be allowable if rewritten to overcome the rejection(s) under 35 U.S.C. § 112, second paragraph, and to include all of the limitations of the base claim and any intervening claims.

Claims 1 - 10 and 12 - 14 are now in the application. Claim 11 has been canceled. Claims 1 - 9 and 12 - 14 have been amended.

Applicants have amended claims 1 - 9 and 12 - 14 to delete reference numbers in accordance with U.S. practice. These amendments do not narrow the scope of the claims.

Applicants have amended Figure 5 and the Specification to designate the two representations in Figure 5 as Figure 5A and Figure 5B. Replacement Sheet 4 appended to this Office action includes amended Figures 5A and 5B.

**Response to the Objection to the Drawings**

The Examiner objected to the drawings on the grounds that Figure 4 needed labels on the axes. Applicants have amended Figure 4 as suggested. Replacement Sheet 3 appended to this Office action includes amended Figure 4.

**Response to the Objection to the Specification**

The Examiner has objected to the Specification on the grounds that it lacks section headings. Applicants have amended

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the Specification as set forth above to include section headings.

**Response to the Rejection Under 35 U.S.C. § 112**

The Examiner has rejected Claims 1, 5, 6, 7, 9, 11 and 12 under 35 U.S.C. §112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which Applicants regard as the invention. In particular, the Examiner rejected the claims on the grounds that the claims include a "broad range or limitation together with a narrow range or limitation that falls within the broad range or limitation."

Applicants have cancelled claim 11 and amended claims 1, 5, 6, 7, 9 and 12 as set forth above to clarify the claims. These amendments do not narrow the scope of the claims.

**Response to the Rejection Under 35 U.S.C. § 102**

The Examiner rejected Claims 7 - 10 and 12 - 14 under 35 U.S.C. §102 as being anticipated by Linker (WO 98/04882). Claim 7 is the sole independent claim. Claim 11, which depends on claim 7, was deemed allowable if rewritten to overcome the rejection(s) under 35 U.S.C. § 112, second paragraph, and to include all of the limitations of the base claim and any intervening claims.

Applicants have amended independent claim 7 to include the limitations of allowable claim 11, as amended to address the rejection(s) under section 112. Accordingly, Applicants submit

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that claim 7 and claims 8 - 10 and 12 - 14 that depend on claim 7 are allowable.

In Paragraph 11 of the Office action the Examiner sets forth reasons for allowance regarding claim 11. Applicants object to the stated reasons for allowance as they are not required to understand the basis for allowance of the claims.

**Response to the Rejection of Claims 1 - 6 Under 35 U.S.C. § 103**

The Examiner rejected claims 1 - 6 under 35 U.S.C. §103 as being unpatentable over Beaty et al. (5,909,285) in view of Csipkes et al. (5,729,662) and Willoughby Jr. et al. (5,619,587). Claim 1 is the sole independent claim. The Examiner states that Beaty includes all of the limitations of claim 1 except for "calibrating with an algorithm."

Applicants respectfully disagree. Beaty et al. shows a three dimensional inspection system, which is used for inspection of IC. However, Beaty et al. is silent regarding several limitations recited in independent claim 1. For example:

Beaty et al. does not teach or suggest that "locations at which the object comes very close to a support surface are ascertained by analysis of the gray value distributions."

Beaty et al. does not teach or suggest that "the light quantity which passes through between the object and the support surface and which is reflected in the pixels as an intensity value is detected."

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Beaty et al. does not teach or suggest that "the local light quantity pattern characterising the width of a gap between the object and the support surface is determined using the intensity values."

Beaty et al. does not teach or suggest that "the light quantity pattern is converted in accordance with a predetermined algorithm using calibration information into a gap width which is present between the object and the support surface."

Similarly, Csipkes et al. and Willoughby Jr. et al. say nothing regarding these claim limitations.

Accordingly, Applicants submit that the invention of claim 1 is neither taught, described or suggested by the cited references.

Claims 2 - 6 that depend on claim 1 also are patentable over the cited references for the reasons set forth above. In addition, these dependent claims are patentable over these references for the additional limitations that the dependent claims contain.

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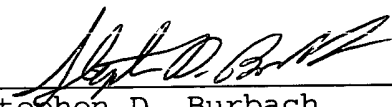
**Conclusion**

In view of the above amendment and remarks it is submitted that the claims are patentably distinct over the cited references and that all the rejections to the claims have been overcome. Reconsideration and reexamination of the above application is requested.

Respectfully submitted,

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APPENDIX FOR REPLACEMENT DRAWINGS SHEETS